

NOTICE TO THE PUBLIC

Good evening, my name is Gloria Sciara, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the August 7, 2002, meeting of the Historic Landmarks Commission.

- A. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call either (408) 277-4576 or (408) 998-5299 (TTY) at least two business days before the meeting.
- B. When addressing the Commission, please approach the Commission, identify yourself and state your address for our records. After you have finished speaking, please write your name and address on the speaker's list at the end of the table.
- C. The procedure for public hearings is as follows:
 - After the staff report, applicants may make a five-minute presentation.
 - Anyone wishing to speak in favor of the proposal should prepare to come forward. Each speaker will have two minutes.
 - After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. Each speaker will have two minutes.
 - Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
 - The Commission will then close the public hearing. The Historic Landmarks Commission will take action on the item.
- D. The procedure for referrals is as follows:
 - Anyone wishing to speak on a referral will be limited to one minute.
 - Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
 - The Historic Landmarks Commission will comment on the referral item.
- E. If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the end of the table for your convenience.

AGENDA
ORDER OF BUSINESS

6:00 PM SESSION

1. ROLL CALL

Youmans absent.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **Removal of 29-31 Santa Clara from HRI** (defer to September 4, 2002 HLC)
- b. **HP02-010**. (defer to September 4, 2002 HLC)
- c. **MA02-001**. (defer to September 4, 2002 HLC)
- d. **MA02-002**. (defer to September 4, 2002 HLC)

3. CONSENT CALENDAR

The Commission will take action on the consent calendar in one motion. If you want to speak on a consent calendar item, or want action other than that indicated, please make your request at this time.

- a. **Approval of the July 10, 2002 Synopsis**
- b. **HP02-011. HISTORIC PRESERVATION PERMIT** for a project located at the east side of North Fourth Street opposite Hensley Avenue, 450 North 4th St., for exterior changes to a single family house located in the Hensley Historic District on a 0.14-gross-acre site in the R-2 Two-Family Residence Zoning District. (Warren Herndon, Owner and Developer) Council District 3. CEQA: { FORMTEXT }.

The Commission unanimously voted to approve the Consent Calendar and adopt the July 10, 2002 Synopsis (5-0-1, Youmans absent).

4. ORAL PETITIONS

This portion of the agenda is reserved for persons desiring to address the Commission on any matter not on the agenda. Speakers are limited to 2 minutes. The law does not permit Commission action or extended discussion on any item not on the agenda except under special circumstances. If Commission action is requested, the matter can be placed on the

next agenda. All statements that require a response will be referred to staff for reply in writing.

None.

5. PUBLIC HEARINGS

- a. **{ FORMTEXT }. HISTORIC PRESERVATION PERMIT** for a project located at { FORMTEXT }(Historic Landmark No. HL92-71) on a 0{ FORMTEXT }-gross-acre site in the { FORMTEXT } Zoning District for exterior modifications and a { FORMTEXT }. ({ FORMTEXT }, Owner/Developer) Council District 6. CEQA: Exempt.

Planning staff gave an overview of the proposal stating that staff recommended support for the rear addition and upgrade of the front entry access ramp but did not recommend support of the conversion of the Sunol Street door to a window nor the redesign of the storefront and entry door. Planning staff added that subsequent to the application submittal, the applicant agreed to leave the Sunol Street door as a door and secure it from the interior.

Applicants Peggy O’Laughlin and Norman Matteoni provided an update regarding their proposal stating that they had contacted consultants in search of historic photos and were not able to locate any prior to 1970. They submitted a revised design for the entry moving the door 14 inches forward as well as two alternatives for the placement of a handrail. In addition they submitted a letter from preservation architect Leslie Dill stating that the storefront does not appear to be original, but may date to the 1920s and may have gained historic significance over time. The applicants stated that they would attempt to reuse the door or replace it in kind.

The Commission discussed the proposal and Commissioners Polcyn and Paim stated that the current slope of the access ramp is extreme and supported revisions to the ramp with stairs and a railing, noting a preference for a railing that would run from the entry door to the front of the building.

Commissioner Polcyn moved that the Historic Landmarks Commission forward a recommendation to the Director of Planning including the following:

- 1. Approval of the proposed new addition at the rear of the building,**
- 2. Denial of the conversion of the door on the Sunol Street elevation to a window with the suggestion that the door be secured from the interior,**

3. **Denial of the redesign of the entryway with the exception of the proposed upgrade to the access ramp and the addition of a handrail as proposed in alternative one of the plans submitted at the Historic Landmarks Commission August 7, 2002 meeting. The Historic Landmarks Commission recommends that the entry door and ceiling remain and that the entry depth and storefront materials remain and be preserved, rehabilitated and replaced with like materials where necessary.**
4. **Recommend that the applicant preserve the tile on the entry floor and try to reuse it in the new entry.**

Commissioner Paim seconded the motion and the motion passed (4-1-0 Sciara opposed; Youmans absent).

- b. { FORMTEXT } Owner: Florin II LTD, William B. Mitchell, G.P. CEQA: { FORMTEXT }. Council District: 3.

Planning staff gave an overview of the Mills Act program. Charlene Duval, a member of the public, stated that there is a more recent DPR than the one in the staff report. Ms. Duval will provide it to Planning.

The Commission recommended approval (5-0-1 Youmans absent)

6. REFERRALS TO THE COMMISSION

- a. **SP02-033. SPECIAL USE PERMIT** for a project located at 848 The Alameda (Historic Landmark No. HL92-71) on a 0{ FORMTEXT }-gross-acre site in the { FORMTEXT } Zoning District for a { FORMTEXT }. ({ FORMTEXT }, Owner/Developer) Council District 6. CEQA: Exempt.
See 5.a.

7. GENERAL BUSINESS

- a. Presentation and discussion of the Downtown Streetscape Master Plan

Bob Ruff and Martin Flores from the Redevelopment Agency gave a brief update on the process. Ruff stated that the final plan is scheduled for City Council in October. Ruff stated that the plan is one of three for downtown, the other two being lighting and signage plans.

- b. Nomination of the 5 Spot at 869 South First Street as an Historic Landmark

The Historic Landmarks Commission voted (5-0-1 Youmans absent) to forward a recommendation to the City Council to initiate proceedings to designate the 5 Spot at 896 South First Street as an Historic Landmark.

- c. Discussion regarding the proposed demolition of the IBM Building (25) located at the northeasterly corner of Cottle and Poughkeepsie Roads

Planning staff introduced the project and stated that it has been brought to Landmarks as an early informational item and that it will be brought back to the Commission throughout the process. The objective is to let the Commission know about the proposal early on. Planning staff explained that the current proposal includes both an SUP for the demolition of the building without associated development and a CUP that would provide for demolition and the proposed project. An EIR is required.

Craig Nemson (IBM), Dave Heinrichsen (Nolte), Jim Manion (Loews) and Bonnie Bamburg (historic consultant) attended the meeting, and were introduced. Landmarks Commissioners stated that the building and site appear very significant, noted their interest in seeing the building and site preserved, asked for a tour and stated that they believe that alternatives addressing the retention of Building #25 should be included in the EIR. Two members of the public, Patricia Curia, President of PAC SJ, and Patricia Dunning, a retired Landmark Commissioner, stated their interest in joining the Landmarks Commission on a tour of the site. A date was not set. Questions were asked of Jim Manion about Loews' requirements for development.

Patricia Dunning, a member of the public and former Commissioner, stated that the "floating head," a significant technological development, was developed in Building 25.

- d. Discussion regarding settlement fees for the unpermitted demolition of Fredkins Market, the Banquet Facility at Italian Gardens, the Raggio House on Monterey Road and the single family home at 274 S 15th Street.

Planning staff reported on each of the above cases:

- Fredkins Market (1998) - resulted in a settlement fine of \$90,000. The money was not secured for historic preservation purposes and was booked as Departmental Revenue in the Attorney's Office and returned to the General Fund ,balance.**
- Raggio House (2000)-resulted in a settlement fine of \$100,000 which is in the Planning Department budget for historic preservation.**
- Italian Gardens (2001)-resulted in among other measures, a settlement fine of \$75,000 which was requested for the historic preservation program. PBCE is requesting that these funds be budgeted to the Department in the Annual Report clean -up, but the City Manager's office did not support an earlier request stating that there is no Council policy regarding the use of settlement fees.**

- **274 S 15th Street (2002)-resulted in a settlement fine of \$12,000. PBCE will request that these funds be budgeted to the Department, but again there is no guarantee that will be supported by the City Manager's Office without a Council policy on the use of settlement funds for the historic preservation program.**

The Commission directed staff to work on a draft policy from the Historic Landmarks Commission to City Council that would provide for the retention and redirection of settlement fines from the unpermitted demolition of historic buildings to the historic preservation program. The Commission also stated that they would like to see language in the proposed policy regarding the loss of the Fredkins and Italian Gardens funds. The Commission asked that this draft policy be agendized on the September 4, 2002 agenda.

e. Presentation and Discussion of the Conservation Area Study

Planning staff described the current Conservation Area Study proposal.

Ken Podgorsek representing the Campus Community Association stated his support for the 51% property owner consent for designation when proposed by the neighborhood and stated his belief that there should be a delay in taking the item to Council in order to provide for more input. He suggested that the proposal be brought to each SNI neighborhood group that has historic districts or conservation areas in their top ten priority list. He stated that if property owners are to be regulated by the designation then there should be a majority consent for designation.

Alison England (East Gardner) stated that she is concerned by the 51% consent, believing that it will be difficult to gain this level of support particularly in lower-income or bilingual communities where there may be a misunderstanding about what the designation means. England too would like an extension. England also stated that benefits should be available to property owners within conservation areas, such as building code flexibility or façade improvement programs.

Maria Brandt stated that it is important to acknowledge those who built the homes and their role in society and culture.

Eric Jacobs representing Garden Alameda stated that he is concerned about areas that may fail to get the 51% but qualify for designation. He would like to see some protective device for areas in this situation.

Judi Henderson, Commissioner Emeritus, stated that the real issue is design review. She also stated that 51% may be difficult to obtain and that resources could be lost.

Landmark Commissioners stated their support for an extension as well as incentives and requested an update at the September meeting.

- f. Discussion regarding HLC committee structure

Commissioner Leong will join the Design Review Committee.

- g. Discussion regarding Hensley Historic District design guidelines workshops

Planning staff explained that the first community workshop for the Design Guidelines will be held in City Council Chambers on Monday, August 26. A special session will be held for the Landmarks Commission from 5:30 to 6:30 p.m. and the broader public workshop from 7:00 to 9:00. Food will be served. The next workshop is planned for the evening of October 22, 2002.

- h. Discussion and action regarding the inclusion of the Hassler Barn at Silver Creek Road in the Historic Resources Inventory

The Commission voted (5-0-0, Youmans absent) to add the historic Hassler Barn at Silver Creek Road to the San Jose Historic Resources Inventory.

8. GOOD AND WELFARE

- a. Report from the Redevelopment Agency

- Change to exit door at Hyatt St. Claire

Dolores Mellon explained that the proposed steel door jamb will be replaced with a lighter metal door jamb due to concerns regarding the weight.

- Civic Plaza Mitigation Measures

Mellon stated the RDA staff Nancy Lytle is working with PAC SJ on the book required as a mitigation measure and that the Archeological Treatment Plan is in draft.

Patricia Dunning, a member of the public, requested a copy of the Treatment Plan.

- Downtown Historic Commercial District Design Guidelines

Mellon stated that the Guidelines are being reviewed by RDA staff.

- Update on the Diridon/Arena Strategic Development Plan

The next meeting will be August 29, 2002 at the Compaq Center from 5:30 to 7:30.

- Update on the SoFA Strategic Development Plan

The Commission decided to hold a meeting on August 14, 2002 to discuss the SoFA Plan. The meeting date, place and time will be posted at City Hall.

b. Report from the Secretary

- Administrative Draft EIRs--none

c. Report from the Subcommittees

- Historic Preservation Guidelines Process

The name of this committee has been changed to Design Review

- Standard permit language for Historical Archeology
- St. James Park
- Survey Committee

d. Written Petitions and Communications

9. ADJOURNMENT

C: Susan Pineda, PBCE
Jeff Roche, PBCE

Filename: 8-7-02 synopsis.doc
Directory: C:\WINNT\Profiles\SAdvani\Desktop\HLC-sep
Template: E:\Program Files\Microsoft Office\Templates\Normal.dot
Title: AGENDA
Subject:
Author: SPineda
Keywords:
Comments:
Creation Date: 08/13/02 8:59 AM
Change Number: 2
Last Saved On: 08/14/02 9:34 AM
Last Saved By: CDamkroger
Total Editing Time: 246 Minutes
Last Printed On: 08/28/02 3:40 PM
As of Last Complete Printing
Number of Pages: 8
Number of Words: 2,287 (approx.)
Number of Characters: 13,037 (approx.)